

REMARKS

Claims 1-23 were previously cancelled. Claim 24 is amended by incorporating the limitations of claim 28. Claim 28 is cancelled.

Upon entry of the amendment, claims 24-27 and 29-33 are presented for reconsideration by the Examiner.

Interview with the Examiner

On or about October 4, 2006, counsel for Applicant telephoned the Examiner to discuss the Final Office Action mailed September 11, 2006. Counsel for Applicant was concerned that the new claims 24-33 submitted with the previous response on March 14, 2006 were not allowed. Counsel for Applicant believed he had reached an understanding previously with the Examiner.

The Examiner and Counsel for Applicant discussed the new rejection based on U.S. Patent No. 3,977,142 to Dove et al. (hereinafter Dove) in view of U.S. Re-Issue Patent Re. 34,928 to Highfield (Highfield). Counsel for Applicant pointed out that the Dove reference teaches a floor nail having threads whose purpose are to form a self-tapping and self-threading fastener. Specifically, in the paragraph spanning the bottom of column 3 and the top of column 4, Dove specifically teaches:

"The threads in the first shank portion 14 of the shank may be relatively rough or rounded threads, as they are not intended to engage an internally threaded, pretapped member. Threads commonly known as "U" type threads may be utilized."

Counsel for Applicant also discussed the teachings of Highfield and the lack of motivation to combine the teachings of Dove with those of Highfield. Counsel for Applicant further pointed out that neither Dove nor Highfield teaches or suggests lands where a majority of each said land has a substantially uniform height extending above a

first diameter. Counsel for Applicant argued that a land in which a majority has a substantially uniform height extending above a diameter is a substantially cylindrical surface, and that such a surface is not disclosed, taught or suggested in Dove or Highfield either alone or in combination. The Examiner suggested that this language was not clear and that the language of claim 28 would more clearly distinguish the claimed pin over the Dove and Highfield references. Applicant agreed to present such an amendment and argument distinguishing the amended claim over the Dove and Highfield references.

Claim Rejections 35 U.S.C. § 102

Claims 24-27, 31 and 33 were rejected under 35 U.S.C. § 102 as being anticipated by Dove. Dove teaches a floor nail equipped with threads intended to make it a self-tapping, self-threading fastener. Dove specifically teaches that the threaded portion may be rough and employ U-shaped threads.

Applicant carefully distinguishes the structural features of the claimed pin from threads or knurling in the specification as filed. Please refer to page 1, lines 9-31 and page 2, lines 1-22 distinguishing the claimed pin from the prior art.

Amended claim 24 recites in pertinent part: "A majority of each said land is a substantially cylindrical surface parallel to said longitudinal axis." Dove does not disclose, teach or suggest the recitations of claim 24. Claim 24 further requires that the width of the land be "at least approximately five times said height." Dove has no scaled drawings that would allow evaluation of the disclosed floor nail configurations. Further, Dove does not disclose, teach or suggest the need for lands having the recited dimensions.

Applicant included with its disclosure, Figures 7-9 and Tables 1-3 of data showing that pins having the claimed dimensions provided unexpected superior results when compared with prior art knurled and grooved pins. The robust surface features of the claimed pins were able to withstand interaction with host material without being

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destroyed. The tests discussed in the specification beginning on line 29 of page 7 demonstrate the superior properties of the claimed grooved pin.

The specification also discusses the prior art methods for forming such pins and contrasts the surface features of pins formed by prior art methods with the specific surface features recited in claim 24. Claim 24 recites "a majority of each said land is a substantially cylindrical surface parallel to said longitudinal axis." The surface features of pins formed by prior art methods including the pins disclosed in Highfield and Dove do not exhibit the cylindrical configuration recited in claim 24.

Claim 24 is patentable over Dove.

Claims 26, 27 and 29-33 depend directly or indirectly from claim 24 and are patentable for at least the reasons stated in support of claim 24.

For all the foregoing reasons, Applicant respectfully requests allowance of all pending claims.

Respectfully submitted,

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